

ANALYSIS

This ordinance amends Title 2 – Administration, Section 2.114.060(F) to reflect the establishment of the Workforce Development Board (WDB). This ordinance also amends Title 3 – Advisory Commissions and Committees of the Los Angeles County Code, Chapter 3.76, and related sections, to reflect the requirements and provisions of the Workforce Investment Opportunity Act (WIOA), Public Law 113-128, which supplants the current requirements under the Workforce Investment Act of 1998 (WIA), Public Law 105-220, including establishment of the WIOA-mandated WDB, and deletes Title 5 – Personnel, Section 5.40.142, concerning reimbursement provisions of the Private Industry Council (Council), to eliminate holdover references to the Council, which was terminated by enactment of WIA in 1998.

Very truly yours,

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County Counsel

By


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LG:pec

04/24/15 (requested)

06/11/15 (revised)

ORDINANCE NO. _____

An ordinance amending Title 2 – Administration, Title 3 – Advisory Commissions and Committees, and Title 5 - Personnel of the Los Angeles County Code, to reflect the requirements and provisions of the Workforce Investment Opportunity Act, Public Law 113-128, including establishment of the Workforce Development Board, and to eliminate references to the Private Industry Council.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.114.060 is hereby amended to read as follows:

2.114.060 – Staff services for certain commissions.

....

F. ~~The private industry council~~Workforce Development Board;

....

SECTION 2. Chapter 3.76 is hereby amended to read as follows:

Chapter 3.76 – Workforce InvestmentDevelopment Board.

SECTION 3. Section 3.76.010 is hereby amended to read as follows:

3.76.010 - Continued-Establishment.

There is hereby ~~continued~~ established the ~~w~~Workforce investment Development ~~b~~Board, hereinafter referred to in this chapter as "WIB." ~~The WIB was established by the Board of supervisors pursuant to the Workforce Investment Act for all the purposes authorized therein.~~ the "WDB," pursuant to the Workforce Innovation and Opportunity Investment Act of 2014, herein referred to in this chapter as "WIOA," for all the purposes authorized therein.

SECTION 4. Section 3.76.020 is hereby amended to read as follows:

3.76.020 – ~~Composition and terms of service.~~Purpose.

A. ~~The WIB shall have at least 39, and no more than 51 members, all of whom shall be appointed by the board of supervisors.~~

B. ~~Three members shall be directly nominated by each supervisor and appointed by the board of supervisors, and these 15 directly nominated members shall serve terms of three years from date of appointment by the board of supervisors.~~

C. ~~The remaining members shall be appointed in accordance with the requirements of the Workforce Investment Act, and shall be nominated by various entities as specified therein. At or before the conclusion of the terms of any WIB directors, the department of community and senior services of Los Angeles County shall present a list of nominees who have been nominated in accordance with the provisions of the Workforce Investment Act, and approved by the WIB for consideration by the board of supervisors. Representatives of businesses may be nominated by any local business organization or business trade association and may be included on the list presented by the department of community and senior services.~~

D. ~~The remaining members not directly nominated by the board of supervisors shall serve terms of one or two years, as set by the board of supervisors at the time of appointment.~~

E. ~~Each member of the WIB, during his or her term, shall serve at the pleasure of the board of supervisors. Each member of the WIB whose term has expired shall continue to exercise the powers and duties of the position until a successor is appointed.~~

The purpose of the WDB shall be to carry out the required functions established in Section 107(d) of the WIOA for the designated local area, as defined in Section 3.76.030, and any other applicable federal or State law. Consistent with these requirements, the WDB shall:

(1) Develop and submit a local plan to the Governor that supports the strategy described in the State's plan for workforce development;

(2) Carry out workforce research and regional labor market analyses to assist in the development and implementation of the local plan;

(3) Convene local workforce development system stakeholders to assist in the development of the local plan and identify non-federal expertise and resources to leverage support for workforce development activities;

(4) Lead efforts to engage with a diverse range of employers, economic development entities, and service providers in the region to: promote business representation on the WDB; develop linkages with employers in the region to support utilization of the local workforce development system and support investment activities; ensure that workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration; and develop and implement proven or promising strategies that meet the employment and skill needs of workers and employers, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations;

(5) Lead efforts to implement career pathways development within the local area with representatives of secondary and postsecondary education, by aligning the

employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment;

(6) Lead efforts to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility to the one-stop delivery system, in accordance with the applicable provisions of WIOA Section 188 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and also identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;

(7) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers;

(8) With the Board of Supervisors (herein referred to as "the Board"), conduct program oversight for authorized local youth workforce investment activities, local employment and training activities, and one-stop delivery system activities;

(9) Negotiate and reach agreement on local performance accountability measures with the Board and the Governor;

(10) With the agreement of the Board, select, and also have the ability to terminate for cause, operators and providers of one-stop, youth, training, and career services, and also work with the State to ensure there are sufficient numbers and types of providers of career and training services (including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy

activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

(11) Coordinate activities with education and training providers in the local area;

(12) Develop a budget, subject to approval of the Board, for the activities in the local area that is consistent with the local plan and the duties referred to herein; and

(13) Annually assess the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with the applicable provisions of WIOA

Section 188 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SECTION 5. Section 3.76.030 is hereby amended to read as follows:

3.76.030 - Vacancies. Local Area Defined.

~~A. — A member's position on the WIB shall become vacant upon his or her death, resignation, by operation of law, or upon removal by the board of supervisors, which removal may occur either upon the board of supervisors' own motion or in the event a member's employment or status no longer meets the membership criteria set forth in the Workforce Investment Act. In the case of such a vacancy, the board of supervisors shall appoint a successor who may serve a term as set forth by the board of supervisors in accordance with the provisions of Section 3.76.020.~~

~~B. — In the event of a vacancy occurring for a member directly nominated by a supervisor, a replacement nominee shall be nominated by that supervisor and be appointed by the board of supervisors.~~

~~C. — In the event of a vacancy occurring for a member not directly nominated by the board of supervisors, the department of community and senior services shall present a~~

~~list of nominees who have been nominated in accordance with the Workforce Investment Act and approved by the WIB for consideration by the board of supervisors. Representatives of businesses may be nominated by any local business organization or business trade association and may be included on the list presented by the department of community and senior services.~~

The term "local area" as used herein is defined as the portion of Los Angeles County that the Governor of California has designated pursuant to Section 106 of WIOA, subject to WIOA Sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i), as the region the County of Los Angeles is funded through WIOA to serve.

SECTION 6. Section 3.76.040 is hereby added to read as follows:

3.76.040 Membership.

- A. The WDB shall have at least 19, and no more than 25, members all of whom shall be appointed by the Board.
- B. Two members may be directly nominated by each Supervisor and appointed by the Board.
- C. The remaining members shall be appointed by the Board in accordance with the membership and nomination requirements of WIOA and any other applicable federal or state law.

SECTION 7. Section 3.76.050 is hereby added to read as follows:

3.76.050 Term of Service.

- A. Each member of the WDB, except for those members appointed pursuant to subsection 3.76.040(C), shall serve at the pleasure of the Board for a maximum of two

consecutive three-year terms, as set by the Board at time of appointment, unless otherwise extended by the Board.

B. Members appointed by the Board pursuant to Section 3.76.040(C) shall serve at the pleasure of the Board for terms of one or two years, as set by the Board at the time of appointment. These members shall be limited to a maximum of two consecutive two-year terms, with the exception of representatives of the California Employment Development Department and the California Department of Rehabilitation whose terms shall be determined by their nominating agencies.

SECTION 8. Section 3.76.060 is hereby added to read as follows:

3.76.060 Vacancies.

A. A member's position on the WDB shall become vacant upon his or her death, resignation, by operation of law, or upon removal by the Board, which removal may occur either upon the Board's own motion or in the event that a member's employment or status renders them no longer qualified under the membership criteria set forth in WIOA. In the case of such a vacancy, the Board shall appoint a successor who may serve a term as set forth by the Board in accordance with the provisions of Section 3.76.050.

B. In the event of a vacancy occurring for a member directly nominated by a Supervisor pursuant to Section 3.76.040(B), a replacement shall be nominated by that Supervisor and be appointed by the Board.

C. In the event of a vacancy occurring for a member appointed by the Board pursuant to Section 3.76.040(C), the Department of Community and Senior Services shall present a list of nominees for consideration by the Board who have been

nominated in accordance with WIOA and any other applicable federal or state law.

Nominees who are intended to serve as representatives of business in the local area, pursuant to the criteria of WIOA Section 107(b)(2)(A), must be appointed from among individuals nominated by local business organizations and business trade associations.

Nominees who are intended to serve as representatives of labor, pursuant to the criteria of WIOA Section 107(b)(2)(B), must be appointed from among individuals nominated by local labor federations. For the other mandated categories as set forth in WIOA Sections 107(b)(2)(C) & (D), nominees must be appointed from among individuals nominated by a senior executive from the agency or institution of employment or affiliation.

SECTION 9. Section 3.76.070 is hereby added to read as follows:

3.76.070 Meetings.

The WDB shall meet at least four times per year and may meet at such other times as may be deemed necessary by the chair.

SECTION 10. Section 3.76.080 is hereby added to read as follows:

3.76.080 Operational procedures.

The WDB shall enact bylaws and amendments thereto, which shall include provisions related to the election of officers, their terms of office, methods of voting, the structure and duties of committees, and such other rules, procedures, and regulations as necessary to carry out the purposes of the WDB.

SECTION 11. Section 3.76.090 is hereby added to read as follows:

3.76.090 Officers.

Consistent with the bylaws, the WDB shall elect a chair and such other officers as it deems appropriate.

SECTION 12. Section 3.76.100 is hereby added to read as follows:

3.76.100 Compensation.

- A. Members of the WDB shall serve without compensation except for mileage reimbursement for meeting attendance and any authorized travel expenses incurred in connection with their duties, including transportation, meals, and lodging, in accordance with WIOA and all applicable County policies and regulations.
- B. Members of the WDB may receive mileage and parking reimbursement for approved official business for the use of a privately-owned motor vehicle, to attend WDB meetings and any other approved meetings in their official capacity, to the extent reimbursable under WIOA and all applicable County policies and regulations.
- C. The Director of the Department of Community and Senior Services is authorized to pay for necessary incidental expenses of the WDB including those identified in A and B of this Section, to the extent such expenses are allowable and reimbursable under WIOA and all applicable County policies and regulations.

SECTION 13. Section 5.40.142 is hereby deleted in its entirety:

~~5.40.142—Private industry council—Mileage and other allowances—~~

~~Conditions.~~

- ~~A. Members of the private industry council, hereinafter referred to as "PIC," shall receive a mileage allowance and reimbursement for occasional parking in the amount~~

~~and manner set forth in Section 5.40.130 of this code, for the use of a privately-owned motor vehicle in attending PIC meetings, PIC committee meetings, and conferences or workshops related to PIC activities, to the extent reimbursable under Jobs Training Partnership Act (hereinafter "JTPA") Rules and Regulations and official interpretations thereof.~~

~~B. Members of the PIC shall receive travel costs, per diem costs for travel, and reimbursement of all necessary incidental expenses, including food, nonalcoholic beverages, and registration fees, while attending PIC meetings, PIC committee meetings and other PIC-related activities, in the amount and manner set forth in Sections 5.40.010, 5.40.040, 5.40.060 and 5.40.090 of this code and to the extent reimbursable under JTPA Rules and Regulations and official interpretations thereof.~~

~~C. The director of the department of community development is authorized to pay for necessary incidental expenses of the PIC, including nonalcoholic beverages, food, and registration fees, from that department's petty cash revolving fund to the extent such expenses are reimbursable under JTPA Rules and Regulations and official interpretations thereof.~~

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